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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARKHAM ROBINSON,

Plaintiff

v.

SECRETARY OF STATE DEBRA
BOWEN, et al.

Defendants.

Case No. CV-08-3836 WHA

**PLAINTIFF'S REQUEST FOR ENTRY
OF DEFAULT AGAINST DEBORAH
BOWEN**

Plaintiff asks that default be entered against California Secretary of State Deborah Bowen for the reasons set forth in the declaration of Gregory S. Walston.

DECLARATION OF GREGORY S. WALSTON

I, Gregory S. Walston, declare as follows:


1. I am an attorney licensed to practice before all California state courts, the United States District Courts for the Northern and Eastern Districts of California, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I am presently employed as a partner in the Law Firm of Walston Cross, and, in that capacity, I represent the plaintiff in this action.

2. Defendant Deborah Bowen was served on Thursday, August 14, 2008. An executed return of service is on file with this Court as Docket No. 10. Accordingly, Deborah Bowen had until September 3, 2008 to file an answer or motion under Fed. R. Civ. P. 12(b).

1 3. Defendants Bowen did not file an answer or proper motion on or before September
2 3. On September 4, 2008, Bowen filed an "Opposition" to this action. However, the opposition
3 does not admit or deny any of the allegations of the Complaint, not does it move the Court to
4 dismiss the action under Fed. R. Civ. P. 12(b). Accordingly, Bowen's response is neither an
5 answer nor a 12(b) motion.

6 4. Because Bowen has not answered the complaint or filed a proper motion to dismiss
7 under Rule 12, she has not properly responded to this action, and the time within which she may
8 respond has expired.

9 I declare under penalty of perjury that the foregoing is true and correct and based on my
10 personal knowledge, that I am competent to testify as a witness, and that I would so testify if
11 called as a witness. Executed September 8, 2008, in San Francisco, California.

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13 Gregory S. Walston

14 ATTORNEY FOR PLAINTIFF
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